

**U.S. District Court  
District of Columbia (Washington, DC)  
CIVIL DOCKET FOR CASE #: 1:18-cv-02863-CJN**

GRAVES GARRETT, LLC v. UNITED STATES  
ENVIRONMENTAL PROTECTION AGENCY  
Assigned to: Judge Carl J. Nichols  
Cause: 05:552 Freedom of Information Act

Date Filed: 12/06/2018  
Jury Demand: None  
Nature of Suit: 895 Freedom of  
Information Act  
Jurisdiction: U.S. Government Defendant

**Plaintiff**

**GRAVES GARRETT, LLC**

represented by **Callie Pippin Raitinger**  
GRAVES GARRETT LLC  
1100 Main Street  
Suite 2700  
Kansas City, MO 64105  
(816) 256-3181  
Fax: (816) 256-5958  
Email: [craigtinger@gravesgarrett.com](mailto:craigtinger@gravesgarrett.com)  
*LEAD ATTORNEY*  
*PRO HAC VICE*  
*ATTORNEY TO BE NOTICED*

**Edward D. Greim**  
GRAVES BARTLE MARCUS &  
GARRETT LLC  
1100 Main Street  
Suite 2700  
Kansas City, MO 64105  
(816) 256-3181  
Fax: (816) 817-0863  
Email: [edgreim@gravesgarrett.com](mailto:edgreim@gravesgarrett.com)  
*ATTORNEY TO BE NOTICED*

V.

**Defendant**

**UNITED STATES  
ENVIRONMENTAL PROTECTION  
AGENCY**

represented by **Jeremy S. Simon**  
U.S. ATTORNEY'S OFFICE FOR THE  
DISTRICT OF COLUMBIA  
555 Fourth Street, NW  
Room 5241  
Washington, DC 20540  
(202) 252-2528  
Fax: (202) 252-2599  
Email: [jeremy.simon@usdoj.gov](mailto:jeremy.simon@usdoj.gov)  
*LEAD ATTORNEY*  
*ATTORNEY TO BE NOTICED*

**Daniel Franklin Van Horn**  
U.S. ATTORNEY'S OFFICE FOR THE  
DISTRICT OF COLUMBIA  
555 Fourth Street, NW  
Room 5241  
Washington, DC 20540  
(202) 252-2506  
Fax: (202) 252-2599  
Email: [daniel.vanhorn@usdoj.gov](mailto:daniel.vanhorn@usdoj.gov)  
*TERMINATED: 02/06/2019*

Date Filed	#	Docket Text
12/06/2018	<u>1</u>	COMPLAINT against UNITED STATES ENVIRONMENTAL PROTECTION AGENCY ( Filing fee \$ 400 receipt number 0090-5826049) filed by GRAVES GARRETT, LLC. (Attachments: # <u>1</u> Exhibit A, # <u>2</u> Exhibit B, # <u>3</u> Exhibit C, # <u>4</u> Exhibit D, # <u>5</u> Exhibit E, # <u>6</u> Exhibit F, # <u>7</u> Exhibit G, # <u>8</u> Exhibit H, # <u>9</u> Exhibit I, # <u>10</u> Exhibit J, # <u>11</u> Civil Cover Sheet, # <u>12</u> Summons Attorney General of the United States, # <u>13</u> Summons United States Environmental Protection Agency, # <u>14</u> Summons United States Attorney's Office)(Greim, Edward) (Entered: 12/06/2018)
12/10/2018		Case Assigned to Judge Reggie B. Walton. (zjd) (Entered: 12/10/2018)
12/10/2018	<u>2</u>	SUMMONS (3) Issued Electronically as to UNITED STATES ENVIRONMENTAL PROTECTION AGENCY, U.S. Attorney, and U.S. Attorney General. (Attachment: # <u>1</u> Notice and Consent)(zjd) (Entered: 12/10/2018)
12/11/2018	<u>3</u>	GENERAL ORDER. Signed by Judge Reggie B. Walton on December 11, 2018. (lcrbw1) (Entered: 12/11/2018)
12/12/2018	<u>4</u>	LCvR 26.1 CERTIFICATE OF DISCLOSURE of Corporate Affiliations and Financial Interests by GRAVES GARRETT, LLC (Greim, Edward) (Entered: 12/12/2018)
12/13/2018	<u>5</u>	MOTION for Leave to Appear Pro Hac Vice :Attorney Name- Callie Pippin Raitinger, :Firm- Graves Garrett LLC, :Address- 1100 Main Street, Suite 2700, Kansas City, MO 64105. Phone No. - (816) 256-3181. Fax No. - (816) 256-5958 Filing fee \$ 100, receipt number 0090-5837968. Fee Status: Fee Paid. by GRAVES GARRETT, LLC (Attachments: # <u>1</u> Exhibit A, # <u>2</u> Text of Proposed Order)(Greim, Edward) (Entered: 12/13/2018)
12/18/2018		MINUTE ORDER. The Court having considered the plaintiff's <u>5</u> Motion For Admission Pro Hac Vice of Callie Pippin Raitinger, and it appearing to the Court that the attorney referenced therein meets the requirements for pro hac vice admission under this Court's rules, it is hereby ORDERED that the motion is GRANTED. It is further ORDERED that Callie Pippin Raitinger, Graves Garrett LLC, 1100 Main Street, Suite 2700, Kansas City, Missouri 64105 is ADMITTED to practice before the Court pro hac vice. Signed by Judge Reggie B. Walton on December 18, 2018. (lcrbw1) (Entered: 12/18/2018)
01/09/2019	<u>6</u>	RETURN OF SERVICE/AFFIDAVIT of Summons and Complaint Executed on United States Attorney General. Date of Service Upon United States Attorney General 12/18/2018. (Raitinger, Callie) (Entered: 01/09/2019)
01/09/2019	<u>7</u>	RETURN OF SERVICE/AFFIDAVIT of Summons and Complaint Executed as to the United States Attorney. Date of Service Upon United States Attorney on 12/18/2018. Answer due for ALL FEDERAL DEFENDANTS by 1/17/2019. (Raitinger, Callie) (Entered: 01/09/2019)
01/09/2019	<u>8</u>	RETURN OF SERVICE/AFFIDAVIT of Summons and Complaint Executed. UNITED STATES ENVIRONMENTAL PROTECTION AGENCY served on 12/17/2018 (Raitinger, Callie) Modified to indicate correct party served on 1/10/2019 (ztd). (Entered: 01/09/2019)
01/17/2019	<u>9</u>	Unopposed MOTION to Stay by UNITED STATES ENVIRONMENTAL PROTECTION AGENCY (Attachments: # <u>1</u> Text of Proposed Order)(Van Horn, Daniel). Added MOTION for Extension of Time to on 1/24/2019 (jf). (Entered: 01/17/2019)
01/22/2019		MINUTE ORDER. Upon consideration of the <u>9</u> Unopposed Motion to Stay Proceedings and for Extension of Time in Light of Lapse in Appropriations, and for good cause shown, it is hereby ORDERED that the motion is GRANTED IN PART AND DENIED IN PART. The motion is GRANTED to the extent that the government seeks to vacate the impending deadlines in this case. The motion is DENIED in all other respects. It is further ORDERED that the impending deadlines in this case are VACATED pending further Order of the Court. It is further ORDERED that, on or before January 28, 2019, the parties shall file a joint status report regarding how this case shall proceed. Signed by Judge Reggie B. Walton on January 22, 2019. (lcrbw1) (Entered: 01/22/2019)

01/22/2019		Set/Reset Deadlines: Joint Status Report due by 1/28/2019 (hs) (Entered: 01/22/2019)
01/23/2019	<u>10</u>	Unopposed MOTION for Extension of Time to <i>File Joint Status Report</i> by UNITED STATES ENVIRONMENTAL PROTECTION AGENCY (Attachments: # <u>1</u> Text of Proposed Order)(Van Horn, Daniel) (Entered: 01/23/2019)
01/24/2019		MINUTE ORDER. Upon consideration of the defendant's <u>10</u> Second Unopposed Motion for an Extension of Time in Light of Lapse of Appropriations, and for good cause shown, it is hereby ORDERED that the motion is GRANTED. It is further ORDERED that the impending deadlines in this case are VACATED pending further Order of the Court. It is further ORDERED that, on or before fourteen days after appropriations have been restored, the parties shall file a joint status report proposing new deadlines in this case. Signed by Judge Reggie B. Walton on January 24, 2019. (lcrbw1) (Entered: 01/24/2019)
02/06/2019	<u>11</u>	NOTICE OF SUBSTITUTION OF COUNSEL by Jeremy S. Simon on behalf of UNITED STATES ENVIRONMENTAL PROTECTION AGENCY Substituting for attorney Daniel F. Van Horn (Simon, Jeremy) (Entered: 02/06/2019)
02/06/2019	<u>12</u>	Joint STATUS REPORT by UNITED STATES ENVIRONMENTAL PROTECTION AGENCY. (Simon, Jeremy) (Entered: 02/06/2019)
02/14/2019		MINUTE ORDER. Upon consideration of the parties' <u>12</u> Joint Status Report, it is hereby ORDERED that the defendant shall file its answer or otherwise respond to the plaintiff's complaint on or before February 26, 2019. It is further ORDERED that the parties shall file a joint statement on or before March 12, 2019. Signed by Judge Reggie B. Walton on February 14, 2019. (lcrbw1) (Entered: 02/14/2019)
02/15/2019		Set/Reset Deadlines: Answer to the Complaint due by 2/26/2019, Joint Status Report due by 3/12/2019 (hs) (Entered: 02/15/2019)
02/21/2019	<u>13</u>	Consent MOTION to Amend/Correct <u>1</u> Complaint,, by GRAVES GARRETT, LLC (Attachments: # <u>1</u> Exhibit 1, # <u>2</u> Exhibit 2, # <u>3</u> Exhibit 3, # <u>4</u> Text of Proposed Order Proposed Order Granting Motion to Amend)(Raitinger, Callie) (Entered: 02/21/2019)
02/25/2019		MINUTE ORDER. Upon consideration of the <u>13</u> Plaintiff's Consent Motion to File Its First Amended Complaint, and for good cause shown, it is hereby ORDERED that this motion is GRANTED. It is further ORDERED that the plaintiff shall file its First Amended Complaint and any exhibits thereto on or before March 1, 2019. Signed by Judge Reggie B. Walton on February 25, 2019. (lcrbw1) (Entered: 02/25/2019)
02/25/2019		Set/Reset Deadlines: First Amended Complaint and any exhibits due by 3/1/2019. (hs) (Entered: 02/25/2019)
02/25/2019	<u>14</u>	AMENDED COMPLAINT against UNITED STATES ENVIRONMENTAL PROTECTION AGENCY filed by GRAVES GARRETT, LLC. (Attachments: # <u>1</u> Exhibit A, # <u>2</u> Exhibit B, # <u>3</u> Exhibit C, # <u>4</u> Exhibit D, # <u>5</u> Exhibit E, # <u>6</u> Exhibit F, # <u>7</u> Exhibit G, # <u>8</u> Exhibit H, # <u>9</u> Exhibit I, # <u>10</u> Exhibit J, # <u>11</u> Exhibit K, # <u>12</u> Exhibit L, # <u>13</u> Exhibit M, # <u>14</u> Exhibit N)(Greim, Edward) (Entered: 02/25/2019)
03/05/2019	<u>15</u>	Consent MOTION for Extension of Time to <i>Answer or Otherwise Respond to Amended Complaint and for Parties to Submit Joint Statement</i> by UNITED STATES ENVIRONMENTAL PROTECTION AGENCY (Attachments: # <u>1</u> Proposed Order)(Simon, Jeremy) (Entered: 03/05/2019)
03/11/2019		MINUTE ORDER. Upon consideration of the defendant's <u>15</u> Consent Motion for Extension of Time to Answer or Otherwise Respond to Amended Complaint and for Extension of Deadline for Parties to File Their Joint Statement, and for good cause shown, it is hereby ORDERED that this motion is GRANTED. It is further ORDERED that the defendant shall file its answer or otherwise respond to the Amended Complaint on or before March 19, 2019. It is further ORDERED that the parties shall file a joint statement on or before March 22, 2019. Signed by Judge Reggie B. Walton on March 11, 2019. (lcrbw1) (Entered: 03/11/2019)
03/11/2019		Set/Reset Deadlines: Answer due by 3/19/2019 to the Amended Complaint. Joint statement by 3/22/2019. (gdf) (Entered: 03/11/2019)

03/13/2019		Set/Reset Deadlines: Answer to the Amended Complaint due by 3/19/2019, Joint Status Report due by 3/22/2019 (hs) (Entered: 03/13/2019)
03/19/2019	<u>16</u>	ANSWER to <u>14</u> Amended Complaint, by UNITED STATES ENVIRONMENTAL PROTECTION AGENCY.(Simon, Jeremy) (Entered: 03/19/2019)
03/22/2019	<u>17</u>	Joint STATUS REPORT by UNITED STATES ENVIRONMENTAL PROTECTION AGENCY. (Simon, Jeremy) (Entered: 03/22/2019)
03/25/2019		MINUTE ORDER. Upon consideration of the parties' <u>17</u> Joint Status Report, it is hereby ORDERED that the parties shall file a joint statement on or before April 24, 2019. Signed by Judge Reggie B. Walton on March 25, 2019. (lcrbw1) (Entered: 03/25/2019)
03/27/2019		Set/Reset Deadlines: Joint Status Report due by 4/24/2019 (hs) (Entered: 03/27/2019)
04/23/2019	<u>18</u>	Joint STATUS REPORT by GRAVES GARRETT, LLC. (Raitinger, Callie) (Entered: 04/23/2019)
04/25/2019		MINUTE ORDER. Upon consideration of the parties' <u>18</u> Joint Status Report, it is hereby ORDERED that the parties shall file a joint status report on or before June 3, 2019, regarding how they wish to proceed in this case. Signed by Judge Reggie B. Walton on April 25, 2019. (lcrbw1) (Entered: 04/25/2019)
04/25/2019		Set/Reset Deadlines: Joint Status Report due by 6/3/2019 (hs) (Entered: 04/25/2019)
06/03/2019	<u>19</u>	Joint STATUS REPORT by GRAVES GARRETT, LLC. (Raitinger, Callie) (Entered: 06/03/2019)
06/04/2019		MINUTE ORDER. Upon consideration of the parties' <u>19</u> Joint Status Report, it is hereby ORDERED that the parties shall file a joint status report on or before July 15, 2019, regarding how they wish to proceed in this case. Signed by Judge Reggie B. Walton on June 4, 2019. (lcrbw1) (Entered: 06/04/2019)
06/05/2019		Set/Reset Deadlines: Joint Status Report due by 7/15/2019 (hs) (Entered: 06/05/2019)
06/24/2019		Case directly reassigned to Judge Carl J. Nichols. Judge Reggie B. Walton is no longer assigned to the case. (rj) (Entered: 06/24/2019)
07/15/2019	<u>20</u>	Joint STATUS REPORT by GRAVES GARRETT, LLC. (Raitinger, Callie) (Entered: 07/15/2019)
07/16/2019		The Court has received the Parties' <u>20</u> Joint Status Report, which indicates that Defendant estimates there are approximately 4000 records potentially responsive to Plaintiff's request that remain to be reviewed and that the Parties have reached an impasse regarding a schedule for the processing of these potentially responsive records. Upon consideration of each party's position, it is hereby ORDERED that Defendant process the remaining potentially responsive records at a rate of 800 documents per month until processing is complete, and that Defendant produce responsive, non-exempt records at the end of each month with the next production of documents occurring at the end of July 2019. It is further ORDERED that the Parties shall confer and file a Joint Status Report on or before July 31, 2019. The Joint Status Report shall address: (1) the status of the Plaintiff's FOIA request; (2) the anticipated number of documents responsive to the Plaintiff's FOIA request; (3) the anticipated date(s) for release of the documents requested by Plaintiff; (4) whether a motion for stay is likely under <i>Open America v. Watergate Special Prosecution Force</i> , 547 F.2d 605 (D.C. Cir. 1976); and (5) whether the parties anticipate summary judgment briefing and, if so, a proposed briefing schedule. Signed by Judge Carl J. Nichols on July 16, 2019. (lccjn1) (Entered: 07/16/2019)